

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**ERIC WINSTON**

**PLAINTIFF**

**VS.**

**CASE NO: 5:08-CV-204 (JMM/HDY)**

**FRED EVANS, *et al.***

**DEFENDANTS**

**FIRST AMENDED COMPLAINT**

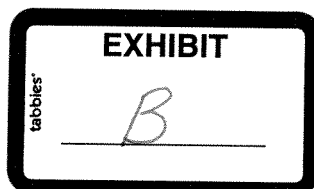
Plaintiff Eric Winston ("Plaintiff"), by his undersigned counsel, for his First Amended Complaint, states:

1. Plaintiff filed his Complaint in this Court on July 28, 2008, against Fred Evans and Veronica Tinsley in their official and individual capacities. Plaintiff's Complaint is attached hereto as Exhibit "A" and is incorporated herein in its entirety.

**THE PARTIES**

2. Plaintiff Eric Winston is an individual citizen of Arkansas, who resides and is domiciled at the East Arkansas Regional Unit of the Arkansas Department of Correction, which is located in Brickeys, Lee County, Arkansas. At all times relevant to this lawsuit, Plaintiff was an inmate at the Varner Supermax Unit of the Arkansas Department of Correction, which is located in Grady, Lincoln County, Arkansas.

3. Upon information and belief, Defendant Veronica Tinsley ("Tinsley") is an individual citizen of Arkansas. Tinsley was a prison guard at the Varner Supermax Unit of the Arkansas Department of Correction at all times relevant to this lawsuit.



4. Upon information and belief, Defendant Fred Evans (“Evans”) is an individual citizen of Arkansas. Evans was a prison guard at the Varner Supermax Unit of the Arkansas Department of Correction at all times relevant to this lawsuit.

### **JURISDICTION AND VENUE**

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **COUNT I - VIOLATION OF 42 U.S.C. § 1983 AGAINST VERONICA TINSLEY FOR DENIAL OF MEDICAL CARE**

7. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-6 of this First Amended Complaint as if fully set forth herein.

8. Facts supporting this cause of action are alleged in Plaintiff’s Complaint, which is attached hereto as Exhibit “A” and is incorporated herein in its entirety.

9. Tinsley deprived Plaintiff of his rights, privileges, or immunities secured by the Constitution and laws by locking Plaintiff in his cell and denying Plaintiff medical treatment for an unreasonable amount of time after separate Defendant Evans sprayed Plaintiff three times with chemical agent.

10. After separate Defendant Evans sprayed Plaintiff three times with chemical agent, Plaintiff had a serious need for medical treatment.

11. Tinsley was aware of Plaintiff’s serious need for such medical treatment.

12. Tinsley acted with deliberate indifference and failed to provide medical care or direct that medical care be provided within a reasonable time.

13. As a direct result, Plaintiff suffered actual damages.

14. At the time Tinsley locked Plaintiff in his cell and denied Plaintiff medical care, Tinsley was acting under color of state law.

**COUNT II - VIOLATION OF 42 U.S.C. § 1983  
AGAINST VERONICA TINSLEY FOR FAILURE TO PROTECT**

15. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-14 of this First Amended Complaint as if fully set forth herein.

16. Tinsley deprived Plaintiff of his rights, privileges, or immunities secured by the Constitution and laws by failing both to protect against and report separate Defendant Evans's use of excessive force.

17. At the time Tinsley failed both to protect against and to report separate Defendant Evans's use of excessive force, Tinsley was acting under color of state law.

18. As a direct result of Tinsley's actions, Plaintiff has suffered actual injury.

**COUNT III - VIOLATION OF 42 U.S.C. § 1983  
AGAINST FRED EVANS FOR USE OF EXCESSIVE FORCE**

19. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-18 of this First Amended Complaint as if fully set forth herein.

20. Facts supporting this cause of action are alleged in Plaintiff's Complaint, which is attached hereto as Exhibit "A" and is incorporated herein in its entirety.

21. Evans sprayed Plaintiff three times with chemical agent from a large, fire extinguisher-sized can.

22. The use of such force was excessive because it was not reasonably necessary to restrain Plaintiff.

23. As a direct result, Plaintiff suffered actual damages.

24. At the time Evans sprayed Plaintiff three times with chemical agent, Evans was acting under color of state law.

**COUNT IV - VIOLATION OF 42 U.S.C. § 1983  
AGAINST FRED EVANS FOR DENIAL OF MEDICAL TREATMENT**

25. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-24 of this First Amended Complaint as if fully set forth herein.

26. Facts supporting this cause of action are alleged in Plaintiff's Complaint, which is attached hereto as Exhibit "A" and is incorporated herein in its entirety.

27. Evans deprived Plaintiff of his rights, privileges, or immunities secured by the Constitution and laws by denying Plaintiff medical treatment for an unreasonable amount of time after he sprayed Plaintiff with chemical agent.

28. After Evans sprayed Plaintiff with chemical agent, Plaintiff had a serious need for medical treatment.

29. Evans was aware of Plaintiff's serious need for such medical treatment.

30. Evans acted with deliberate indifference and failed to provide medical care or direct that medical care be provided within a reasonable time.

31. As a direct result of Evans's action, Plaintiff has suffered actual injury.

32. At the time Evans denied Plaintiff medical care, Evans was acting under color of state law.

**COUNT V - VIOLATION OF PLAINTIFF'S EIGHTH AMENDMENT RIGHTS  
AGAINST FRED EVANS FOR USE OF EXCESSIVE FORCE**

33. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-32 of this First Amended Complaint as if fully set forth herein.

34. Facts supporting this cause of action are alleged in Plaintiff's Complaint, which is attached hereto as Exhibit "A" and is incorporated herein in its entirety.

35. Evans sprayed Plaintiff three times with chemical agent from a large, fire extinguisher-sized can and subsequently denied Plaintiff medical treatment.

36. Evans's use of force was excessive and applied maliciously and sadistically for the very purpose of causing harm and not in a good faith effort to achieve a legitimate purpose.

37. As a direct result, Plaintiff suffered actual damages.

38. At the time Evans sprayed Plaintiff three times with chemical agent, Evans was acting under color of state law.

**COUNT VI - VIOLATION OF PLAINTIFF'S EIGHTH AMENDMENT RIGHTS  
AGAINST VERONICA TINSLEY FOR FAILURE TO PROTECT**

39. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1-38 of this First Amended Complaint as if fully set forth herein.

40. Facts supporting this cause of action are alleged in Plaintiff's Complaint, which is attached hereto as Exhibit "A" and is incorporated herein in its entirety.

41. Separate Defendant Evans sprayed Plaintiff three times with chemical agent from a large, fire extinguisher-sized can.

42. Separate Defendant Tinsley was aware of the substantial risk of such attack.

43. Tinsley, with deliberate indifference to the Plaintiff's need to be protected from such attack, failed to protect Plaintiff.

44. As a direct result, Plaintiff suffered damages.

45. At the time Tinsley failed to protect Plaintiff, Tinsley was acting under color of state law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Eric Winston respectfully prays for the following relief:

- a. That this Court award Plaintiff all relief requested in Plaintiff's Complaint, which is attached hereto as Exhibit "A" and is incorporated herein in its entirety, including compensatory and punitive damages in an amount to be determined at trial.
- b. That this Court award Plaintiff costs and a reasonable attorney's fee pursuant to 42 U.S.C. § 1988(b) and other applicable cost and fee provisions.
- c. That this Court award Plaintiff all other relief, equitable or legal, to which he may be entitled.

Respectfully submitted,

WILLIAMS & ANDERSON PLC  
111 Center Street  
Twenty-Second Floor  
Little Rock, Arkansas 72201  
(501) 372-0800

/s/ W. Taylor Marshall

John Kooistra III (Ark. Bar No. 80080)  
jkooistra@williamsanderson.com  
W. Taylor Marshall (Ark. Bar No. 2009206)  
tmarshall@williamsanderson.com  
Jamie K. Fugitt (Ark. Bar No. 2009189)  
jfugitt@williamsanderson.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

John Kooistra , III  
jkooistra@williamsanderson.com

Jamie K. Fugitt  
jfugitt@williamsanderson.com

Renae Ford Hudson  
Email: renae.hudson@arkansasag.gov

/s/ W. Taylor Marshall  
W. Taylor Marshall

The Original Copy  
Please Send Plaintiff  
A File Mark Copy

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
 UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF ARKANSAS**  
Pine Bluff DIVISION

CASE NO. \_\_\_\_\_

**FILED**  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT ARKANSAS

JUL 28 2008

JAMES W. MCCORMACK, CLERK  
**RECEIVED**

MAIL ROOM

JUL 28 2008

U.S. DISTRICT COURT  
 E. DIST. OF ARKANSAS

## I. Parties

5:08C000204 Jmm/100

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

- A. Name of plaintiff: Eric Winston  
 ADC # 105483  
 Address: 2 P.O. Box 180 Brickways AR 72320  
 Name of plaintiff: \_\_\_\_\_  
 ADC # \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Name of plaintiff: \_\_\_\_\_  
 ADC # \_\_\_\_\_  
 Address: \_\_\_\_\_
- This case assigned to District Judge Moody  
 and to Magistrate Judge Young

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

- B. Name of defendant: Fred Evans  
 Position: Sgt.  
 Place of employment: Varnes Supermax Unit  
 Address: P.O. Box 400 Grady Ar 71644-0400  
 Name of defendant: Mrs. Veronica Tinsley  
 Position: C.O. 2  
 Place of employment: Varnes Supermax Unit

**EXHIBIT**

tabbies

A

to Complaint



Address: P.O. Box 400 Gaddy Ar 71644-0400

Name of defendant: \_\_\_\_\_

Position: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Address: \_\_\_\_\_

Name of defendant: \_\_\_\_\_

Position: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Address: \_\_\_\_\_

II. Are you suing the defendants in:

- ☐ official capacity only  
☐ personal capacity only  
☒ both official and personal capacity

III. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: Eric Winston

Defendants: J. Hay Wood

- ☐ Court (if federal court, name the district; if state court, name the county): Eastern district Pine Bluff division
- ☐ Docket Number: 5:01 CV 00118 WRW
- ☐ Name of judge to whom case was assigned: Judge Wilson
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) Ruled in favor of plaintiff
- ☐ Approximate date of filing lawsuit: April-11-2001
- ☐ Approximate date of disposition: August-12-2003

IV. Place of present confinement: P.O. Box 180. Brickers Ar 72320

V. At the time of the alleged incident(s), were you:  
(check appropriate blank)

☐ in jail and still awaiting trial on pending criminal charges

☒ serving a sentence as a result of a judgment of conviction

☐ in jail for other reasons (e.g., alleged probation violation, etc.)  
explain: \_\_\_\_\_

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No ☐

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☐

If not, why? \_\_\_\_\_

## VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Plaintiff is filing a 42 USC 1983 complaint against Sgt. Evans for <sup>Excessive</sup> unnecessary Force and Denial of medical care. See Attached complaint and Grievance # VU 05-00363 and VU-05-00360

Plaintiff is Filing a 42 USC 1983 complaint against C.O. V. Tinsley For unnecessary Excessive Force and Denial of medical care. And Failure to Protect And Failure to Report. See Attached complaint and Grievance # VU-05-00364.

See Attached complaint's on Next

Page...

complaint #1 Unnecessary use of Excessive Force and denial of medical care  
By Sgt. Evans See Grievance #VU-05-00363 and VU-05-00360

on 7-14-05 Plaintiff was sprayed three times in the face and eyes with the Part-T unit chemical agent. A container the size of a fire extinguisher. Plaintiff was ~~was~~ sprayed from head to toe with chemical agent by Sgt. Evans. Plaintiff was forced to stay in the cell for 25 maybe 30 minutes or more. Plaintiff ask Lt. Malone for the phone whenever she got time. So around 12:30 and 1:00pm another inmate flooded his cell ~~inmate~~ So Lt. Malone and some Sgt's came to get the inmate. I then ask Lt. Malone for the phone she looked in my file and said I didn't have no phone slip. Plaintiff then layed down for about 30 minutes. Then plaintiff started beating on his toilet with his shower shoes. Sgt. McCarroll came to plaintiff cell door and ask Plaintiff was that him beating ~~on the toilet~~ Plaintiff stated Yes. Plaintiff wanted to know why his water was off. Plaintiff stated he have not done nothing. Then CO ~~II~~ Tinsley open Plaintiff door and stated to Plaintiff that you said you was going to flood your cell. And CO Z Tinsley then stepped to the side and Sgt. Evans just started spraying Plaintiff with the part-T unit. Sgt. Evans sprayed plaintiff three times, each time with a 3 or 4 or more second burst of chemical agent. All Plaintiff had on was a pair of Boxers shorts. Plaintiff whole body was painted Red from chemical agents. Plaintiff was then forced to stay in the cell for over 30 minutes in severe pain and having a hard time breathing. Plaintiff sustained a severe injury to plaintiff left eye. See Grievance # VU-05-00360 denial of medical care.

#11 cond statement of claim: Unnecessary use of excessive Force and denial of medical care BY Sgt. Evans. See Grievance #VU-05-00363 and V.U-05-00360

Plaintiff was Violated his 14th amendment When Sgt. Evans sprayed Plaintiff 3 - times with the part-T unit chemical agent with a 3 or 4 or more second burst with a container the size of a fire extinguisher. Plaintiff was sprayed without cause of policy of AR and procedures and denied Plaintiff rights to be treated by medical staff was Violation of plaintiff 8th Amendment right of cruel and unusual punishment. Plaintiff was sprayed 3 times from head to toe with chemical agent all because Plaintiff was talking loud and beating on his toilet with his shower shoe trying to find out why plaintiff water was turned off. For Sgt. Evans to spray Plaintiff and leave him in the cell for 30 minutes or longer after he

have already turned plaintiff water off. No Inmate Is Suppose to be Sprayed with the Part-T-Unit housed in a 8 by 10 cell. Plaintiff Was not a threat to nobody The Part-T-Unit Is a container the Same Size as a fire extinguisher with a long hose. It sprays chemical agent out like a Fire extinguisher sprays out. For Sgt. Evans to spray Plaintiff 3 times in the face was cruel and unusual punishment Sgt. Evans challenged assault was malicious, sadistic and applied in bad faith for the specific purpose of subjecting plaintiff to severe physical pain and suffering. As a direct and proximate result of Sgt. Evans challenged assault Plaintiff sustained a severe Injury to Plaintiff left Eye and Plaintiff was blind for over a month. Plaintiff was in severe and immense pain and suffering all because of Sgt. Evans unnecessary use of excessive force and denial of Medical treatment. Plaintiff sustained severe Injury to his left eye See Grievance # VU-05-00360 and VU 05-00363

Complaint #2 Unnecessary Excessive Force, denial of Medical care and Failure to Protect and Failure to Report. BY CO II Tinsley. See Grievance # VU-05-00364

on 7-14-08 CO II Tinsley aided and abetted Sgt. Evans in his unauthorized and unnecessary use of excessive force by telling him Plaintiff was going to flood his cell and then opening Plaintiff cell door and stated to Plaintiff You said you was going to flood and then CO II Tinsley stepped to the side so Sgt. Evans could spray Plaintiff. CO II Tinsley was the officer that was assign to Isolation 4. She was the only officer in charge of Isolation 4. It was CO II Tinsley Job to protect Plaintiff and Report Sgt. Evans unnecessary use of excessive force and to ensure Plaintiff received medical treatment. Instead CO II Tinsley aided and abetted Sgt. Evans in his unauthorized misuse of the chemical agent when he sprayed Plaintiff 3 times with the Part-T-Unit CO II Tinsley. Violate long standing well established administrative state and federal constitution prohibiting against unauthorized misuse of chemical agent Failure to protect and Failure to report another officer excessive misconduct. CO II Tinsley challenged conduct was egregious and prohibitive. See Grievance # VU-05-00364

#3

#2 Cond Statement of claim: Excessive Force, denial of medical care and  
Failure to Report and Failure to Protect  
BY. CO II Tinsley See Grievance #VU-05-00364

Plaintiff was sprayed 3 times in the face on 7-14-08. Plaintiff was Violated his 14th amendment when CO II Tinsley aided and abetted Sgt. Evans in spraying Plaintiff with the Part-T-unit chemical agent without cause or policy of AR and procedures and denied Plaintiff medical care for 30 minutes <sup>Violated</sup>. Plaintiff 8th amendment right of cruel and unusual punishment. CO II Tinsley was the only officer assign to Isolation 4. It was her Job as a officer to Protect and to report Sgt. Evans unnecessary use of Excessive force. Instead CO II Tinsley acted with deliberate indifference in view of her knowledge that Sgt. Evans sprayed plaintiff 3 times in the faces with chemical agent for only beating on his toilet with his shower shoe. And denied Plaintiff medical care for 30 ~~more~~ minutes or more. CO II Tinsley conduct was malicious, Sadistic and applied in bad faith for the specific purpose of subjecting Plaintiff to physical pain and suffering. Plaintiff sustained severe chemical burns to face a severe <sup>injury</sup> to plaintiff left eye plaintiff was blind for over a month. Plaintiff back had a real bad skin rash from the chemical agent. And Plaintiff was in considerable physical and emotional pain and Immense pain and suffering see Grievance #VU-05-00364

Wherefore Plaintiff herein this 42 USC 1983 complaint prays that relief sought be  
Granted and Statement of claims be Granted

### Declaration

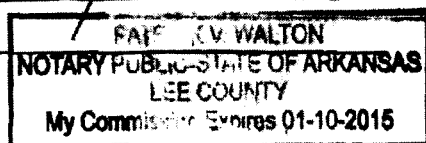
I Eric Winston #105483 do declare Under the penalty of Perjury that the foregoing is True and correct.

(State of Arkansas)  
 County of Lee

me Eric Winston #105483  
 dated 7-22-08

Subscribed and Sworn to before me a Notary on this 23<sup>rd</sup> day of July 2008

My Commission Expires



[Signature]  
 Notary Public

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Appoint an Attorney

A Jury Trial

Punitive damages \$50,000 ~~is~~ Compensatory damages \$50,000 ~~is~~

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

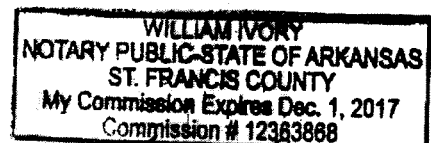
Executed on this 18th day of July, 2008.

Eva Winston #105483

\_\_\_\_\_  
Signature(s) of plaintiff(s)

Subscribed and sworn to before me a Notary on this 21 day of July  
20.08

My commission Expires Dec. 1, 2017



William Ivory  
Notary Public

ADC: 105483

Name: Winston, Eric

1 of 3

ISSS001B

**Disciplinary Violation**

Friday January 06, 2006 01:38:14 PM

ADC#: 105483B

Inmate Name: Winston, Eric

Violation Date\*: 07/14/2005

Time\*: 02:00:00 PM

Version\*: 4-1988 - Present

Facility\*: Varner Unit [F01]

Location within Facility\*: Living Area

Charged by Staff\*: Evans, Fred

Violation Type\*: Major

Received Date\*: 07/15/2005

Time\*: 05:15:00 AM

Received By Staff\*: Owens, Jacqueline A

# Injuries to Staff\*: 0

Inmates\*: 0

Visitors\*: 0

☒ Weapon Involved

STG Involved:

Incident Report #:

**Code****Code Violation**

02-17

Creating Unnecessary Noise

12-1

Failure To Obey Order Of Staff

11-1

Insolence To A Staff Member

**Notice of Charge**

ON THE ABOVE DATE AND TIME, I SGT. F. EVANS ALONG WITH LT. MALONE WAS MAKING A SECURITY CHECK IN ISOLATION #4. UPON ARRIVAL TO ISOLATION #4 LT. MALONE AND MYSELF APPROACHED CELL #4007 WHICH HOUSES INMATE E. WINSTON #105483 WHEN HE STATED THAT HE WANTED TO USE THE INMATE TELEPHONE. INMATE WINSTON WAS ADVISED BY LT. MALONE THAT HE DID NOT HAVE A VALID TELEPHONE SLIP, THEREFORE, HE COULD NOT USE THE TELEPHONE. AT THIS TIME, INMATE WINSTON BECAME UPSET AND THREATENED TO FLOOD. LT. MALONE THEN ORDERED ME TO CUT OFF HIS WATER SUPPLY. INMATE WINSTON THEN BEGAN CURSING LOUDLY AND KICKING ON HIS CELL BAR DOORS MAKING UNNECESSARY NOISE. I THEN GAVE INMATE WINSTON A DIRECT ORDER TO STOP HIS ACTIONS BUT TO NO AVAIL. I THEN SPRAYED A ONE SECOND BURST OF PAR-T-UNIT INTO THE FACIAL AREA OF INMATE WINSTON AND GAVE HIM A DIRECT ORDER TO SUBMIT TO RESTRAINTS IN WHICH HE COMPLIED. INMATE WINSTON WAS THEN ESCORTED TO THE ISOLATION #4 SHOWER WHERE HE WAS AFFORDED A SHOWER AND SEEN BY MEDICAL STAFF. (SEE MSF 205) INMATE WINSTON'S CELL WAS DECONTAMINATED AND HE WAS PLACED ON BEHAVIOR CONTROL. THEREFORE, I, SGT. F. EVANS AM CHARGING INMATE WINSTON, E. #105483 WITH THE ABOVE RULE VIOLATIONS PENDING DCR.

CSO Staff\*: Davis, Jesse M

Review Date\*: 07/15/2005

Action\*: Refer to Hearing Officer/Comm.

Witness Statements ☒ None

ADC: 105483

Name: Winston, Eric

1 of 3



**FORM - (Attachment 1A)****FOR OFFICE USE ONLY**

Grv. # VU-05-30364  
 Date Received 7-27-05  
 Grievance Code: 303

UNIT/CENTER V.S.M.**PLEASE PRINT**Name Mr Eric Winston ADC# 105483 Brks. ISU4 Job Assignment NALIS THIS GRIEVANCE A MEDICAL GRIEVANCE? Yes        No ✓All complaints/concerns should first be handled informally before proceeding to the formal grievance procedure.**THE ORIGINAL INFORMAL RESOLUTION FORM SHALL BE ATTACHED****Informal Action Taken**Have you discussed this problem with your designated problem-solver? Yes ✓ No        If yes, give date 7/27/05

Why do you feel the informal resolution was unsuccessful? Because the Individual who is responsible for the sole preservation of ISU4 video tapes dated 7-14-05 6:00am to 6:30pm was not notified that I want these video tapes preserved because I will be filing a lawsuit on these officers!

Please give a **BRIEF**, clear statement of your grievance. This statement must be specific as to the complaint, dates, places, personnel involved, how you were affected and what you want to resolve the issue. One issue or incident per grievance. Additional pages or forms will not be allowed and if attached, will result in the automatic rejection of this grievance without content review.

I want the Individual who is responsible for preserving the ISU4 video tapes to be notified that I want the video tapes dated 7-14-05 6:00am to 6:30pm to be preserved as evidence in my law suit I will be filing on Sgt. Evans Sgt McCaskey C.O. Tinsley.

I want All Video Tapes Preserved As Evidence!

End of Statement

IS THIS AN EMERGENCY SITUATION? YES ✓ NO        If yes, why? Because I sustained a severe injury to my left eye. I was sprayed 3 times with the Pac-T-Unit.

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to an officer or department employee who shall sign the attached emergency receipt, give you the receipt and deliver it without undue delay to the Unit/Center Warden/Center Supervisor or, in their absence, to the Unit/Center Assistant Warden. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Eric Winston

INMATE SIGNATURE

SEP 28 2005 26

7/25/05

DATE

INMATE GRIEVANCE SUPERVISOR

(TO BE FILLED OUT BY THE RECEIVING OFFICER)

RECEIPT FOR EMERGENCY SITUATIONS

OFFICER (Please Print) Sherry Smith

Signature

FROM WHICH INMATE? Eric WinstonADC# 105483DATE: 7/26/05TIME: 10:45 PM

**INFORMAL RESOLUTION FORM** (Attachment 1)UNIT/CENTER V.S.m.

PLEASE PRINT

Name Eric WinstonADC# 105483 Brks ISO4 Job Assignment NHIS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐ If yes, why? I want Winston Moncrief to make sure all video tapes dated 7-14-05 6:00am to 6:30pm to be preserved

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. You will be given a copy of this receipt by the designated problem-solving staff. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Give a **BRIEF** statement of your complaint/concern. This statement must be specific as to the complaint, dates, places, personnel involved and how you were affected. One issue or incident per complaint form. Additional pages or forms will not be allowed.

This is a Notification of that I will be filing a law suit on Sgt Evans Sgt. McCassey and C.O. Tinsley for excessive force and denial of medical care. I want all ISO4 video tapes dated 7-14-05 6:00am to 6:30pm to be preserved. I want the individual who is responsible for the safe preservation of the video tapes to be notified that I want all video tapes preserved. Because the video tapes would prove that Sgt Evans use excessive force and unnecessary force and Sgt McCassey and C.O. Tinsley All Violated long standing well established administrative state and federal constitution prohibiting against unauthorized misuse of chemical agents. Abusive misconduct and lying, falsifying documentation trying to conceal their misdeeds. These officers' Challenging conduct was egregious and prohibitive.

Mr Eric Winston

Inmate Signature

7-22-05

Date

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY****STAFF RECEIPT AND ACTION TAKEN**

PRINT STAFF NAME (PROBLEM SOLVER)

Staff Code

Staff Signature / Date Received

Was this deemed an emergency? Yes ☐ No ☒Was there a need to contact medical? Yes ☐ No ☒ If yes, give name of person contacted?

Describe action taken to resolve complaint, including dates.

Sgt Evans wrote deception for violating unexcused absence, unnecessary noise, and making threats to food cell.

Was issue resolved? Yes ☒ No ☐Does inmate agree that issue was resolved? Yes ☐ No ☒

Staff Signature/Date

SEP 23 2005

Inmate Signature/Date

DISTRIBUTION: YELLOW - Inmate Receipt

(AFTER COMPLETION) PINK - Problem Solving Staff

ORIGINAL - Given back to the Inmate After Completion

810-00

INMATE NAME: Winston, EricADC #: 105483BGRIEVANCE #: VU-05-00364

## WARDEN'S/CENTER SUPERVISOR'S DECISION

In response to your grievance: The security cameras are mainly for Administrative use. Their purpose is to monitor activities in areas of the facility that can be reviewed later by Administrative Staff if needed. Therefore I find no merit in your grievance.

*Eric Winston*  
Signature of ARO or  
Warden's/Supervisor's Designee

*Asst. Warden*  
Title

9-10-05  
Date  
**RECEIVED**

SEP 28 2005

## INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

If you are not satisfied with this response, you may appeal this decision within five days by filling in the information requested below and mailing it to the appropriate Deputy/Assistant Director. Keep in mind that you are appealing the decision to the original complaint. Do not list additional issues which are not part of your complaint.

WHY DO YOU NOT AGREE WITH THE RESPONSE? *Because I Want the Individual who is responsible for the Sole Preservation of Isolation 4 video tapes to be Notified that I Want the video tapes dated 7-14-05 6:00 AM to 6:30 pm to be preserved as Evidence. I will be filing a 1983b complaint against Sgt Evans, CO II Tinsley and Lt. McCarrall for excessive force and denial of medical care. These officer violated longstanding well established administrative state and federal constitution prohibition against unauthorized misuse of chemical agent and because of Sgt. Evans spraying me 3 times with the Pac-T-unit this officer challenged ~~assault~~ assault I sustained severe chemical burns to my face, I cant see out my left eye, my back has a really*  
*Eric Winston* 103483 9-13-05

*bad rash from the chemical agent and I am still trying to receive medical treatment for and it is causing me considerable physical and emotional pain and suffering. This is a violation of my 8th amendment of cruel and unusual punishment.*

*I Want All Three of these officers Investigated by Internal Affairs. And I Want to take a lie detector test.*

Eric Winston

105483

VU-05-00364

**DEPUTY/ASSISTANT DIRECTOR'S DECISION**

I have reviewed your formal Grievance dated 7/25/05 in which you state, "I want the individual who is responsible for preserving the Isolation #4 video tapes to be notified that I want the video tapes dated 7-14-05 6:00 AM to 6:30 pm to be preserved as evidence in my law suit I will be filing on Sgt. Evans Sgt McCarrell CO11 Tinsley. I want all video tapes preserved as evidence!" I have also reviewed Assistant Warden Hurst response, your Informal Resolution, your appeal to my office and other matters as they relate to this Grievance issue.

Please be advised Inmate Winston, the videotape for Isolation #4 from 6:00 AM to 6:30 PM as you have requested to be preserved is unavailable.

7/102

11-22-05

back to OST

**GRIEVANCE FORM - (Attachment 1A)**

I Want All Officers Investigated  
UNIT/CENTER V.S.M by Internal Affairs

**FOR OFFICE USE ONLY**Grv. # VII-05-00363Date Received 7-27-05Grievance Code: 801**PLEASE PRINT**Name Eric Winston ADC# 105483 Brks 2624 Job Assignment \_\_\_\_\_IS THIS GRIEVANCE A MEDICAL GRIEVANCE? Yes \_\_\_\_\_ No ☒**All complaints/concerns should first be handled informally before proceeding to the formal grievance procedure.**

**THE ORIGINAL INFORMAL RESOLUTION FORM SHALL BE ATTACHED** Review Video tape  
**Informal Action Taken** And you'll see Sgt. Evans lied about everything.

Have you discussed this problem with your designated problem-solver? Yes ☒ No \_\_\_\_\_ If yes, give date 7/27/05

Why do you feel the informal resolution was unsuccessful? Because Sgt. Evans is lying trying to conceal his unauthorized misuse of excessive force and unnecessary force for spraying me 3 times in the face with the Pat-T-unit which is not for spraying an inmate in a one on one cell. This is the size of a fire extinguisher.

Please give a **BRIEF**, clear statement of your grievance. This statement must be specific as to the complaint, dates, places, personnel involved, how you were affected and what you want to resolve the issue. One issue or incident per grievance. Additional pages or forms will not be allowed and if attached, will result in the automatic rejection of this grievance without content review. On 7-14-05 while Lt. Malone was passing out trays I asked her for the phone whenever she got time. 5:00 am and 12:30 1:00 pm the inmate in 4004 flooded his cell. So the Lt. Malone and some more Sgts came to get the inmate out of his cell. At which time I called Lt. Malone to my cell and asked her for the phone. She then looked in my file and stated my phone slip was expired. She was by herself she then left my cell. I then layed down in the bed for about 30 minutes. Then I got up to get some water and all my water was turned off. So I then started beat on my toilet while my shower shoe then Sgt. Mc. Cassell came to my cell and ask me if I the one beating? I said Yes! I want to know why my water is off. Then a 12 Tinley open my cell door and step aside. Then Sgt. Evans sprayed me 3 times in the face and my eyes for nothing and then they left me in the cell for about 30 minutes. I was sprayed with the Pat-T-unit and ~~no~~ No inmate is suppose to be sprayed with that stuff in a one on one cell. I wasn't a threat to nobody.

IS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐ If yes, why? Because of Sgt. Evans excessive force! I am blind in my left eye and I need emergency medical care.

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to any officer or department employee who shall sign the attached emergency receipt, give you the receipt and deliver it without undue delay to the Warden/Center Supervisor or, in their absence, to the Unit/Center Assistant Warden. **REPRISALS:** If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Eric Winston

INMATE SIGNATURE

SEP 14 2005

7/25/04

DATE

(TO BE FILLED OUT BY THE RECEIVING OFFICER) INMATE GRIEVANCE SUPERVISOR

RECEIPT FOR ADMINISTRATIVE BUILDINGS

OFFICER (Please Print) J. D. [Signature]Signature J. D. [Signature]FROM WHICH INMATE? Eric WinstonADC# 105483DATE: 7/26/05TIME: 10:35 PM

**INFORMAL RESOLUTION FORM** (Attachment 1)UNIT/CENTER V.S.M.I Want All Officers Investigated by Internal Affairs.VU-05-003637-27-05

PLEASE PRINT

Name Mr Eric WinstonADC# 105483 Brks ISC Job Assignment N74IS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐If yes, why? Sgt. Evans sprayed me three times in the face and now I am blind in my left eye. See Medical Record

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. You will be given a copy of this receipt by the designated problem-solving staff. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Give a **BRIEF** statement of your complaint/concern. This statement must be specific as to the complaint, dates, places, personnel involved and how you were affected. One issue or incident per complaint form. Additional pages or forms will not be allowed.

on 7-14-05 I was sprayed three times by Sgt. Evans with the Pac-T unit around 1:30 and 2:00 pm. And was forced to stay in the cell for a maybe 30 minutes. Sgt. Evans use excessive force and unnecessary force on me. And Sgt. McCurren & C. Tinsley they both aided and abetted Sgt. Evans in his unauthorized misuse of the chemical agent. Sgt. McCurren came to my cell and ask me was I beating? I said yes because I wanted to know why my water was turned off. I said I haven't done nothing and then C. Tinsley open my cell door and start you & said you gave blood. And then she step to the side and Sgt. Evans just start spraying me with the Pac-T unit he sprayed me three times. All three of these officer's misconduct was malicious, sadistic and applied in bad faith for the specific purpose of subjecting me to substantial physical pain and suffering. And as a direct and proximate result of the challenged assault I sustained a severe injury to my left eye. I am now blind in my left eye.

7-22-05Inmate Signature Eric Winston

Date

**THIS SECTION TO BE COMPLETED BY STAFF ONLY****STAFF RECEIPT AND ACTION TAKEN**PRINT STAFF NAME (PROBLEM SOLVER) St. MalinSEP 14 2005

INMATE GRIEVANCE SUPERVISOR

Staff Signature / Date Received St. Malin 7/22/05Was this deemed an emergency? Yes ☐ No ☒Was there a need to contact medical? Yes ☐ No ☒

If yes, give name of person contacted?

Describe action taken to resolve complaint, including dates.

Inmate Winston you stated to CO2 Jersky that you were going to flood your cell. your water was turned off. Sgt. Evans stated you refused order, being in a cell. And then they unnecessary noise.

Was issue resolved? Yes ☒ No ☐Does inmate agree that issue was resolved? Yes ☐ No ☒Staff Signature/Date St. Malin 7/24/05Inmate Signature/Date Eric Winston

DISTRIBUTION: YELLOW - Inmate Receipt

(AFTER COMPLETION) PINK - Problem Solver Copy

BLUE - Grievance Officer

ORIGINAL - Given back to the Inmate After Completion

810-00

IGT410 - Warden's/Center Supervisor's Decision

Page 1 of 1

INMATE NAME: Winston, EricADC #: 105483BGRIEVANCE #: VU-05-00363

## WARDEN'S/CENTER SUPERVISOR'S DECISION

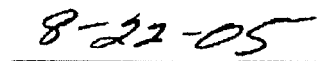
In response to your grievance: Lt. Malone advised you did ask her for the telephone. She advised you that you would have to have a approved phone slip. After she checked on the approved phone slip and discovered it was none. You became disruptive in your behavior and threatened to flood your cell. Therefore your water was turned off. You were sprayed in the facial area, given a shower and was seen by medical and was written a major disciplinary for your behavior. Therefore I find no merit in your grievance.



Signature of ARO or  
Warden's/Supervisor's Designee



Title




Date

RECEIVED

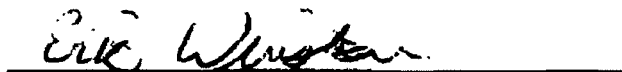
SEP 14 2005

## INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

If you are not satisfied with this response, you may appeal this decision within five days by filing in the information requested below and mailing it to the appropriate Deputy/Assistant Director. Keep in mind that you are appealing the decision to the original complaint. Do not list additional issues which are not part of your complaint. 

WHY DO YOU NOT AGREE WITH THE RESPONSE? I do not Agree with the response because Sgt Evans Wasnt Investigated by Internal Affairs As I requested. In my Emergency Grievance. This Officer Use Excessive Force on me by Spraying three times with the P-A-T-unit In a one man cell I was soaking wet From head to toe With chemical spray I receive a Severe Injury to my left eye, And my back, I have a real bad Skin rash



Inmate Signature



ADC#



Date

Back of Attachment II

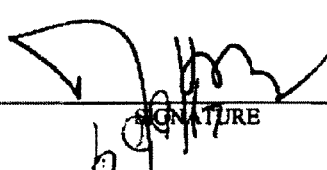
INMATE NAME \_\_\_\_\_ ADC# \_\_\_\_\_ GRIEVANCE # \_\_\_\_\_  
Eric Winston 105483 VU-05-00363

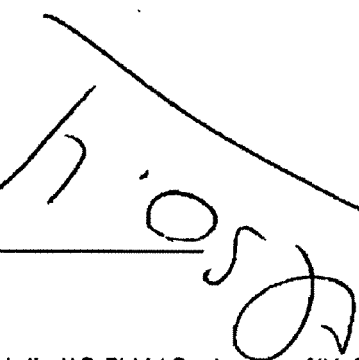
**DEPUTY/ASSISTANT DIRECTOR'S DECISION**

I have reviewed your grievance (Att.1A) dated 7-25-05 in which you state, "On 7-14-05 while Lt. Malone was passing out trays I ask her for the phone whenever she got time? So around 12:30 1:00 pm the Inmate in 4004 flooded his cell. So the Lt. Malone and some more Sgts came to get the inmate out of his cell. At which time I called Lt. Malone to my cell and asked her for the phone? She then looked in my file and stated my phone slip was expired. She was by herself. She then left my cell. I then layed down in the bed for about 30 minutes. Then I got up to get some water and all my water was turned off. So I then started beatin on my toilet with my shower shoe then Sgt. McCarrell came to my cell and ask me was I the one beatin? I said yes! I want to know why my water is off? Then CO2 Tinsley open my cell door and step aside then Sgt. Evans sprayed me 3 times in the face and my eyes for nothing and then they left me in the cell for about 30 minutes. I was sprayed with the Par-T-Unit and no inmate is suppose to be sprayed with that stuff in no one man cell! I was'nt a threat to no body." I have also reviewed the Warden's Response, your appeal to this office, staff statements and 005 Reports, the Major Disciplinary Report, Medical Reports, Policies and other related documents.

Based upon my review of all submitted documents I find that staff actions were according to policy and procedure. Staff informed you that chemical agent would be used unless compliance to orders was followed. Your threats and failure to comply with orders jeopardized the safety and security of the institution resulting in the use of chemical agent by staff. I find no merit to your complaint and I suggest in the future that you comply with all lawful orders given.

Appeal denied.

  
\_\_\_\_\_  
SIGNATURE

  
\_\_\_\_\_  
DATE

10-26-05

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court must dismiss your case without notice. You shall also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.



## ICE FORM - (Attachment 1A)

UNIT/CENTER V.S.M.

## FOR OFFICE USE ONLY

Grv. #

Date Received

Grievance Code:

## PLEASE PRINT

Name Eve Winston ADC# 105483 Brks ISU Job Assignment NTTIS THIS GRIEVANCE A MEDICAL GRIEVANCE? Yes ☒ No ☐

All complaints/concerns should first be handled informally before proceeding to the formal grievance procedure.

## THE ORIGINAL INFORMAL RESOLUTION FORM MUST BE ATTACHED

## Informal Action Taken

Have you discussed this problem with your designated problem-solver? Yes ☒ No ☐ If yes, give date 7-20-05

Why do you feel the informal resolution was unsuccessful? Because I have been trying to get medical treatment for my left eye every sense 7-14-05 and I haven't been treated or seen by the eye doctor or even the doctor. And I am blind in my left eye after being sprayed in the eyes on 7-14-05.

Please give a **BRIEF**, clear statement of your grievance. This statement must be specific as to the complaint, dates, places, personnel involved, how you were affected and what you want to resolve the issue. One issue or incident per grievance. Additional pages or forms will not be allowed and if attached, will result in the automatic rejection of this grievance without content review.

I have a medical Emergency and I cant see Nothing out of my left eye. My eye sight is gone and I cant get no type of medical treatment for my eye and I havent had my eyes checked out by the eye doctor nor the doctor. I'm being denied medical treatment.

RECEIVED  
OFFICE OF THE  
INVESTIGATOR

AUG 26 2005

HEALTH & CORRECTIONAL PROSS.  
AR DEPT. OF CORRECTION

IS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐ If yes, why? I cant see nothing out my left eye and its been 7 days and I still havent seen the doctor.

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to any officer or department employee who shall sign the attached emergency receipt, give you the receipt and deliver it without undue delay to the ARO, the Warden/Center Supervisor or, in their absence, to the Unit/Center Assistant Warden. **REPRISALS:** If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Eve Winston 105483

INMATE SIGNATURE

7/22/05

DATE

(TO BE FILLED OUT BY THE RECEIVING OFFICER)

## RECEIPT FOR EMERGENCY SITUATIONS

OFFICER (Please Print)

Signature

FROM WHICH INMATE?

DATE:

TIME:

ADC# 105483

UU-05-00360  
07-27-05

**INFORMAL RESOLUTION FORM (Attachment 1)**UNIT/CENTER V S. M.

PLEASE PRINT

Name Eric Winston ADC# 105483 Brks 2504 Job Assignment NAIS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐ If yes, why? I am still Blind in my left eye after being Sprayed on 7-14-05 3 times In my Face.

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. You will be given a copy of this receipt by the designated problem-solving staff. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Give a **BRIEF** statement of your complaint/concern. This statement must be specific as to the complaint, dates, places, personnel involved and how you were affected. One issue or incident per complaint form. Additional pages or forms will not be allowed.

I need Emergency medical treatment for my left eye & was seen by Nurse Redix and she said I would be seen by the doctor Monday 7-18-05 and I haven't been seen. I am blind in my left eye and cant see nothing and I am being denied Emergency medical care. I was Sprayed 3 times in my Face With the par-T-unit by Sgt. Evans on 7-14-05 I have been trying to get medical treatment for 6 days. This is an Emergency Informal Resolution Form Requesting medical treatment for my eye.

Eric Winston  
Inmate Signature

7/20/05  
Date

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY.****STAFF RECEIPT AND ACTION TAKEN**PRINT STAFF NAME (PROBLEM SOLVER) Stacy Simeon

Staff Code

Staff Signature / Date Received Stacy Simeon 7/20/05Was this deemed an emergency? Yes ☒ No ☐Was there a need to contact medical? Yes ☒ No ☐If yes, give name of person contacted? Nurse RedixDescribe action taken to resolve complaint, including dates. Called Nurse Redix she advised me that E. Winston Has been placed on Doctors callWas issue resolved? Yes ☐ No ☒Does Inmate agree that issue was resolved? Yes ☒ No ☐

Stacy Simeon 7/20/05  
Staff Signature/Date

Eric Winston  
Inmate Signature/Date

DISTRIBUTION: YELLOW - Inmate Receipt

(AFTER COMPLETION) PINK - Problem Solver Copy

BLUE - Grievance Officer

ORIGINAL - Given back to the Inmate After Completion

REC'D  
OFFICE OF  
INVESTIGATION  
AUG 20 2005  
HEALTH & CORRECTION  
AR DEPT. OF CORRECTIONS  
810-00

INMATE NAME: Winston, Eric ADC #: 105483B GRIEVANCE #: VU-05-00360

## WARDEN'S/CENTER SUPERVISOR'S DECISION

Your Grievance Was Received On 07-25-05

I have determined that your grievance is a medical matter. I have forwarded your grievance to the Medical Administrator who will provide a written response, and/or will interview you within twenty working days of the date I received your grievance. Should you receive no response within this time frame, or the response that you received is unsatisfactory, you may appeal to the Deputy Director for Health and Correctional Programs. If you have medical needs that you believe are urgent, put in a Sick Call Request, or send a Request for an interview to the Medical Administrator.

B. Hainly T. May aw 7-28-05  
Signature of ARO or Warden's/Supervisor's Title Date  
Designee

RECEIVED  
OFFICE OF THE  
INVESTIGATOR  
AUG 26 2005  
DEPT. OF CORRECTIONS  
HEALTH & CORRECTIONAL PROGRAMS

## INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five days of receiving the information requested below and mailing it to the appropriate Deputy/Assistant Director. Keep in mind that you are appealing the decision to the original complaint. Do not list additional issues which are not part of your complaint.

WHY DO YOU NOT AGREE WITH THE RESPONSE? I still haven't received medical treatment for my left eye. I haven't seen the eye doctor nor have I received any type of medication for my left eye. I have been trying to get medical care for my eye every sense 7-14-05. It's been a month and I still have not seen the eye doctor. And on 7-18-05 MS. Alexander lied she didn't see me at all. She renewed my diet script and sent me the wrong type of diet and she didn't review my lab results with me. This doctor did not come to Isolation 4 and see me or treat me and the Isolation 4 Security log will prove on 7-18-05 MS. Alexander did not see me or even run doctor call at all. I have been sprayed 3 times in my face and my left eye is always running and my vision is blurred. I can't see nothing at all.

Eric Winston 105483 8/15/05  
Inmate Signature ADC# Date

Every sense 6-27-05 I have been trying to get medical care for my eyes and I have never seen the eye doctor and this is an emergency and I'm still being denied medical care. This is a person eye sight this is urgent! may I please get some medical treatment for my eyes? I don't want to go blind!

**Grievance VSM05-00360**

**CB Iso 4**

**Date Infirmary Rec: 8/01/05 Response Date: 8/10/05**

<b>X</b>	<b>Deferred</b>
----------	-----------------

Inmate's Complaints: See grievance # VSM05- 00360 Code 608

**Scheduled for eye clinic**

100-4400

Back of Attachment II

INMATE NAME Winston, Eric ADC 105483 GRIEVANCE VU05-00360

## DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your appeal states that as of August 15, 2005 you have not been seen by the eye doctor for the blurred vision of your left eye. You state that since June 27, 2005 you have attempted to get treatment for your eyes.

The medical record reflects that on July 16, 2005, you were seen by the RN for complaints of being sprayed in the left eye on July 14, 2005 and at that time; you were referred to the mid-level provider with orders to continue to flush you eyes with water.

On July 18, 2005 Ms. Alexander, ANP, saw you. At that time, it is documented that she reviewed your Lab tests and renewed your diet script. During that time, you did not mention anything about your eyes. When you submitted a Sick Call Request on August 3, 2005 for blurred vision, you were seen by Ms. Hubbard. A consult was submitted for you to be seen by Dr. Simmons for evaluation.

Dr. Simmons evaluated you during his clinic on August 18, 2005. His documentation following that examination states: Uncontrolled glaucoma, continue to use Xalatan and return to clinic in three months.

It appears that your blurred vision was due to glaucoma not denial of treatment by the medical staff.

This complaint has been addressed by staff and is resolved.

The appeal has no merit.

  
SIGNATURE of MAX MOBLEY

9-13-05  
DATE

Please be advised that if you appeal this decision to the U. S. District Court a copy of this Deputy/Assistant Director must be attached to any petition or complaint or the Court must dismiss your case without notice. You shall also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.